

House File 400 - Introduced

HOUSE FILE 400

BY T. TAYLOR

A BILL FOR

1 An Act relating to passive highway-rail grade crossings
2 by providing for the establishment and enforcement of
3 statewide standards and providing requirements for road
4 users approaching passive highway-rail grade crossings, and
5 including penalty provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

SIGHT DISTANCE AT PASSIVE HIGHWAY-RAIL GRADE CROSSINGS

Section 1. NEW SECTION. 327G.41 Short title.

This division may be cited as the "*Adequate Sight Distance at Passive Highway-Rail Grade Crossings Act*".

Sec. 2. NEW SECTION. 327G.42 Purpose.

The purpose of this division is to establish a statewide program to improve sight distance at passive highway-rail grade crossings.

Sec. 3. NEW SECTION. 327G.43 Definitions.

As used in this division, unless the context otherwise requires:

1. "*Clearing sight distance*" means the distance required along each direction of railroad track for a road user stopped fifteen feet before the near rail at a highway-rail grade crossing to be able to see far enough down the track, in both directions, to determine if sufficient time exists to move safely across the tracks to a point fifteen feet past the far rail prior to arrival of an approaching train.

2. "*Corner sight distance*" means the length of highway on the approach to a highway-rail grade crossing that would be required by a road user traveling at the posted speed limit to detect an approaching train from either direction of track in sufficient time to safely stop a vehicle at least fifteen feet before the near rail.

3. "*Department*" means the department of transportation.

4. "*Passive highway-rail grade crossing*" means a location, equipped solely with one or more signs, pavement markings, or other such traffic-control devices that are not activated by trains, where a public road, street, or highway, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks at grade.

5. "*Road user*" means a motor vehicle operator, bicyclist, or pedestrian, including a person with one or more disabilities, who is on a public road, street, or highway or a private

1 roadway, including sidewalks and pathways.

2 6. "*Stopping sight distance*" means the length of highway
3 on the approach to a highway-rail grade crossing required to
4 safely stop a vehicle traveling at the posted speed limit at
5 least fifteen feet before the near rail.

6 Sec. 4. NEW SECTION. **327G.44 Sight distance at passive**
7 **highway-rail grade crossings — penalty.**

8 1. *Periodic evaluation.* The department shall establish
9 a program to determine the adequacy of the clearing sight
10 distance, corner sight distance, and stopping sight distance at
11 each passive highway-rail grade crossing on a periodic basis.

12 2. *Inspection authority.* To carry out this section, an
13 inspector authorized by the department, at reasonable times
14 and in a reasonable manner, may enter public or private
15 property for the purposes of determining the adequacy of the
16 clearing sight distance, corner sight distance, and stopping
17 sight distance at a passive highway-rail grade crossing and
18 evaluating sight distance obstructions caused, in whole or in
19 part, by structures, topography, standing railroad equipment,
20 or trees or other vegetation located within close proximity to
21 a passive highway-rail grade crossing.

22 3. *Actions to improve sight distance.*

23 a. If the department finds that structures, topography,
24 standing railroad equipment, or trees or other vegetation are
25 obstructing the required clearing sight distance, corner sight
26 distance, or stopping sight distance at a passive highway-rail
27 grade crossing, the department shall take action to address the
28 obstruction. Such action may include but shall not be limited
29 to the following:

30 (1) Ordering the removal or mitigation of the obstruction
31 by the owner of private property on which the obstruction is
32 located.

33 (2) Providing written notice of the obstruction to the
34 appropriate state or local government agency with maintenance
35 responsibility for the public property on which the obstruction

1 is located.

2 (3) Installing additional traffic-control devices.

3 (4) Lowering the speed limit in the vicinity of the passive
4 highway-rail grade crossing or installing advisory speed signs
5 to alert road users.

6 *b.* A private property owner who receives an order to remove
7 or mitigate an obstruction pursuant to paragraph "a" shall have
8 sixty days from receipt of the order to either comply with
9 the order or file an appeal with the department. A person
10 who fails to comply with an original order of the department
11 or an order following appeal shall be subject to a civil
12 penalty of not less than one hundred dollars, but not more than
13 five hundred dollars, for each day the obstruction continues
14 unabated. The department may waive part or all of a civil
15 penalty imposed under this paragraph.

16 *c.* A state or local government agency that receives an order
17 to remove or mitigate an obstruction pursuant to paragraph
18 "a" shall have sixty days from receipt of the order to either
19 comply with the order or file an appeal with the department.
20 If the government agency fails to comply with the original
21 order or an order following an appeal, the department may
22 remove or mitigate the obstruction and then seek reimbursement
23 from the government agency responsible for maintenance of the
24 public property on which the obstruction was located.

25 DIVISION II

26 MOTOR VEHICLE OPERATORS AND OTHER ROAD USERS

27 Sec. 5. Section 321.342, subsection 1, Code 2011, is amended
28 to read as follows:

29 1. The driver of any vehicle approaching a railroad grade
30 crossing across at which traffic is regulated by ~~a stop sign, a~~
31 ~~railroad sign directing traffic to stop or~~ an official traffic
32 control signal displaying a flashing red or steady circular red
33 colored light shall stop prior to crossing the railroad at the
34 first opportunity at either the clearly marked stop line or at
35 a point near the crossing where the driver has a clear view of

1 the approaching railroad traffic.

2 Sec. 6. Section 321.342, Code 2011, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 1A. a. Upon approach to a passive
5 highway-rail grade crossing, a road user shall come to a full
6 stop within fifty feet but not less than fifteen feet before
7 the nearest rail under any of the following circumstances:

8 (1) An approaching train or other railroad equipment is
9 likely to occupy the crossing before the road user can safely
10 enter and clear the crossing.

11 (2) A train approaching the crossing sounds a locomotive
12 horn or other locomotive audible warning device.

13 (3) A stop sign is posted at the crossing.

14 b. While stopped, the road user shall listen and look in
15 both directions for an approaching train, and for signals
16 indicating the approach of a train, and shall not proceed until
17 the road user can do so safely.

18 c. As used in this subsection, the terms "*passive*
19 *highway-rail grade crossing*" and "*road user*" mean the same as
20 defined in section 327G.43.

21 EXPLANATION

22 This bill establishes a statewide program to improve sight
23 distance at passive highway-rail grade crossings.

24 A passive highway-rail grade crossing is defined as
25 a location where a public or private roadway, including
26 associated sidewalks and pathways, crosses one or more railroad
27 tracks at grade, if the location is equipped solely with one or
28 more signs, pavement markings, or other such traffic-control
29 devices that are not activated by trains.

30 The bill provides technical definitions for "clearing sight
31 distance", which refers to the view down the track in either
32 direction from a stopping point on the road 15 feet from the
33 track; "corner sight distance", which refers to the distance
34 required for a road user traveling at the speed limit to detect
35 an approaching train in time to stop at least 15 feet from

1 the track; and "stopping sight distance", which refers to the
2 distance required for a vehicle traveling at the speed limit
3 to safely stop at least 15 feet from the track. The term "road
4 user" refers to a motor vehicle operator, a bicyclist, or a
5 pedestrian, including a person with one or more disabilities,
6 who is on a public road, street, or highway or a private
7 roadway, including sidewalks and pathways.

8 The bill requires the department of transportation to
9 establish a program to periodically check the adequacy
10 of clearing sight distance, corner sight distance, and
11 stopping sight distance at passive highway-rail grade
12 crossings. Inspectors authorized by the department may
13 enter public or private property to perform their duty and
14 evaluate obstructions caused by structures, topography,
15 standing railroad equipment, or trees or other vegetation.
16 The department is required to take action to address the
17 obstruction, including but not limited to ordering the
18 property owner to remove or mitigate an obstruction located on
19 private property; if the obstruction is on public property,
20 providing written notice of the obstruction to the state or
21 local government agency with maintenance responsibility for
22 the property; installing additional traffic control devices;
23 or lowering the speed limit on the portion of the highway
24 approaching the passive highway-rail grade crossing or
25 installing advisory speed signs.

26 A private property owner or a public agency has 60 days
27 in which to comply with an order to remove or mitigate an
28 obstruction or appeal the order to the department. A civil
29 penalty of not less than \$100 and not more than \$500 for each
30 day the obstruction continues shall be imposed on a private
31 property owner who fails to comply with either an original
32 order or an order following an appeal; however, the department
33 has discretion to waive part or all of the amount of the
34 penalty. If a government agency fails to comply with an order,
35 the department may remove or mitigate the obstruction and then

1 seek reimbursement from the government agency.

2 Under current law, a motor vehicle operator approaching any
3 railroad grade crossing regulated by a stop sign, a railroad
4 sign directing traffic to stop, or an official traffic-control
5 signal displaying a flashing red or steady circular red light
6 is required to stop prior to crossing the tracks at the first
7 opportunity at either the clearly marked line or at a point
8 near the crossing where the driver has a clear view of the
9 approaching train. The bill leaves that requirement in place
10 for drivers approaching railroad grade crossings with official
11 traffic-control signals, but provides specific requirements
12 for all road users approaching passive highway-rail grade
13 crossings. The bill requires a road user to come to a complete
14 stop within 50 feet but not less than 15 feet before the
15 nearest rail if the approaching train or other railroad
16 equipment is likely to occupy the crossing before the user can
17 safely enter and clear the crossing; if a locomotive or other
18 audible warning device is sounded by a train approaching the
19 crossing; or if a stop sign is posted at the crossing. While
20 stopped, the road user shall listen and look in both directions
21 for an approaching train, and for signals indicating the
22 approach of a train, and shall not proceed until the road user
23 can do so safely.

24 Pursuant to current law, the penalty for failure to stop as
25 required at a railroad-grade crossing is a simple misdemeanor
26 punishable by a scheduled fine of \$200.